

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSCAR LEE OLIVE, IV,

Plaintiff,

v.

HAYLEY MARIE ROBINSON,

Defendant.

CASE NO. 2:20-cv-00356-JLR-BAT

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiff Oscar Lee Olive's motion for reconsideration of the Court's Order (Dkt. 19), in which the Court stayed all proceedings in this case pending proceedings in bankruptcy. Dkt. 20. The motion is denied.

DISCUSSION

A motion for reconsideration shall be filed within fourteen days after the order to which it relates is filed. CR 7(h)(2). Motions for reconsideration are disfavored and will ordinarily be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. CR 7(h)(1). The term "manifest error" is "an error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record." Black's Law Dictionary 622 (9th ed. 2009).

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2 “[A] motion for reconsideration should not be granted, absent highly unusual
3 circumstances, unless the district court is presented with newly discovered evidence, committed
4 clear error, or if there is an intervening change in the controlling law.” *Marlyn Natraceuticals,*
5 *Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). A motion for
6 reconsideration should not be used to ask a court to rethink what the court had already thought
7 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.
8 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for reconsideration,
9 and reconsideration may not be based on evidence and legal arguments that could have been
10 presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT & T Co.*, 363 F.
11 Supp. 2d 1253, 1269 (D. Haw. 2005). “Whether or not to grant reconsideration is committed to
12 the sound discretion of the court.” *Navajo Nation v. Confederated Tribes & Bands of the Yakima*
13 *Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

14 Plaintiff filed his motion for consideration seventeen days after the Court’s Order. Dkt.
15 19 and 20. Plaintiff explains that the delay was due to illness and obtaining a copy of
16 proceedings in the bankruptcy proceedings. Dkt. 20 (citing Dkt. 20-1, Exhibit “1” Transcript of
17 Proceedings March 5, 2020 Case No. 2:19-BK-11724-MLB, Adv. No. 19-01105-MLB).

18 Plaintiff argues that because his claims in this case occurred post-bankruptcy, and he does
19 not seek damages incurred pre-bankruptcy, the claims are not subject to discharge in the
20 bankruptcy.

21 This case was stayed pending an adjudication of similar claims in the bankruptcy
22 proceeding, not because they will be resolved in the bankruptcy proceeding but because they are
23 relevant and may be dispositive.

1 Because Plaintiff has not shown manifest error or new facts or legal authority, the motion
2 for reconsideration (Dkt. 20) is **DENIED**.

3 DATED this 27th day of July, 2020.

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6 BRIAN A. TSUCHIDA
7 Chief United States Magistrate Judge
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